

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**WINDSOR HEALTHCARE MANAGEMENT, INC.
d/b/a WINDSOR CARE CENTER OF PETALUMA**

and

Case 20-CA-199555

**SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 2015**

DECISION AND ORDER

Statement of the Case

On November 16, 2017, Windsor Healthcare Management, Inc. d/b/a Windsor Care Center of Petaluma (the Respondent), Charging Party Service Employees International Union Local 2015 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the issuance of a Board Order. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

(a) The Respondent, a California corporation with an office and place of business in Petaluma, California, is engaged in the business of operating a skilled nursing facility.

(b) During the 12 month period ending November 14, 2017, the Respondent, in conducting its operations, derived gross revenues in excess of \$100,000 and purchased and received goods or services valued in excess of \$5000, which originated from points outside the State of California.

(c) At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that the Respondent, Windsor Healthcare Management, Inc. d/b/a Windsor Care Center of Petaluma, Petaluma, California, its officers, agents, successors and assigns, shall

1. Cease and desist from

(a) Refusing to bargain in good faith with the Union as the exclusive collective-bargaining representative of the employees in the following bargaining unit:

All full-time and part-time Certified Nursing Assistants (CNAs), Restorative Nursing Assistants (RNAs), Housekeeping, Laundry, Janitor/Maintenance, Dietary and Activity Assistants, Cooks, and Relief Cooks.

(b) Unreasonably delaying in providing the Union with information it requests that is relevant and necessary to its role as the bargaining representative of the employees.

(c) In any similar manner interfering with, restraining, or coercing employees in the exercise of their Section 7 rights.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within five (5) business days of the Respondent's receipt of a written request by the Union, directed to the Respondent's Administrator and/or any other individual specifically designated at a later date by the Respondent to receive information requests under this Stipulation, seeking information that is relevant and necessary to the Union's role as the bargaining representative of the employees (hereafter an "Information Request"), the Respondent will give the Union email acknowledgement of its receipt of the Information Request. Business days are considered Monday through Friday, excluding holidays.

(b) Within fifteen (15) business days of the Respondent's receipt of an Information Request, the Respondent will provide the Union with: (1) all of the information requested by the Union; or (2) as much of the information requested as is then reasonably available, and explain to the Union: (i) the reason(s) why the remaining information is not then reasonably available; and (ii) when the Respondent will provide the remaining information to the Union. It is understood that the Respondent retains the right to contest the production of information requests based on privilege, confidentiality, relevance, unfair

burden or other such considerations. Business days are considered Monday through Friday, excluding holidays.

(c) If the Union believes that the Respondent's production of information sought by the Information Request is being unreasonably delayed, the Respondent will meet with the Union on demand to bargain over reasonable accommodations regarding the circumstances under which the required information will be provided.

(d) Compliance with the procedures set forth in paragraphs 2(a)-(c) will constitute compliance with paragraph 1(b), above.

(e) Within fourteen (14) days of service by the Region, post at its Petaluma, California facility, copies of the attached Notice (Notice) marked "Appendix A." Copies of the Notice, on forms provided by Region 20, after being signed by the Respondent's authorized representative, shall be posted for a period of sixty (60) days, in conspicuous places, including all places where notices to its employees are normally posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed any of its facilities located within the Union's jurisdiction, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent within the Union's jurisdiction.

(f) Within twenty (20) days of the issuance of the Board's Order, file with the Regional Director of Region 20 of the Board, a sworn affidavit from a responsible official describing with specificity the manner in which the Respondent has complied with the terms of the Board's Order, including the locations of the posted documents.

Dated, Washington, D.C., March 23, 2018

_____ Marvin E. Kaplan,	Chairman
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_____ Lauren McFerran,	Member
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_____ William J. Emanuel,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain in good faith with SEIU Local 2015 (the Union) by unreasonably delaying providing the Union with information that is relevant to its role as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All full-time and part-time Certified Nursing Assistants (CNAs), Restorative Nursing Assistants (RNAs), Housekeeping, Laundry, Janitor/Maintenance, Dietary and Activities Assistants, Cooks, and Relief Cooks.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL bargain in good faith with SEIU Local 2015 as the exclusive collective-bargaining representative of our unit employees in the above-described unit with respect to wages, hours, and other terms and conditions of employment.

WE HAVE provided the Union with the information it first requested on April 5 and 19, 2017.

**Windsor Healthcare Management, Inc.
d/b/a Windsor Care Center of Petaluma**

The Board's decision can be found at www.nlr.gov/case/20-CA-199555 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

